

**Minutes**

DVD No. 212

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, May 4, 2009. Mayor Peggy Dunn presided.

**Councilmembers present:** Gregory Peppes, Jim Rawlings, James Azeltine, Gary Bussing, Lou Rasmussen, and Debra Filla

**Mayor/Councilmembers absent:** Mike Gill and Julie Cain

**Staff present:**

Scott Lambers, City Administrator  
Chief John Meier, Police Department  
Chief Ben Florance, Fire Department  
Mark Andrasik, Info. Systems Director  
Kathy Rogers, Finance Director  
Kathy Byard, Budget Coordinator  
Deb Mansfield, City Clerk

Patty Bennett, City Attorney  
Richard Coleman, Comm. Dev. Director  
Joe Johnson, PW Director  
Chris Claxton, P&R Director  
Lovina Freeman, HR Director  
Pam Gregory, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted the following modification to the Agenda:

- \* Addition of Item No. 9B – Councilmembers Report from Councilmember Bussing

A motion to approve the Agenda was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 6-0. (Councilmembers Gill and Cain absent).

**3. CITIZEN COMMENTS**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

**4. PROCLAMATIONS**

**Building Safety Week, May 3-9, 2009**

Mayor Dunn read and presented the proclamation to Fire Chief Ben Florance and Community Development Director Richard Coleman.

Chief Florance indicated there will be an Open House, hosted by the Codes Administration and Neighborhood Services staff, along with the Fire Prevention Division of the Fire Department on Tuesday, May 5<sup>th</sup>, from 4:00 - 7:00 P.M. in the Oak Room at City Hall.

**Municipal Clerks Week, May 3-9, 2009**

Mayor Dunn read and presented the proclamation to City Clerk Deb Mansfield and Deputy City Clerk Pam Gregory.

**EMS Week, May 17-23, 2009**

Mayor Dunn read and presented the proclamation to Fire Chief Ben Florance.

**5. PRESENTATIONS/RECOGNITIONS GFOA Distinguished Budget Presentation Awards Program**

Mayor Dunn presented Finance Director Kathy Rogers and Budget Coordinator Kathy Byard a plaque from the Government Finance Officers' Association.

**6. SPECIAL BUSINESS – None.**

**7. CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2009-15, and 2009-16
- B. Accept Minutes of the April 20, 2009 Governing Body meeting
- C. Accept Minutes of the April 20, 2009 Governing Body Work Session meeting
- D. Accept Minutes of the March 26, 2009 Ironhorse Advisory Board meeting
- E. Accept Minutes of the February 24, 2009 Arts Council meeting
- F. Mayoral Appointment for Governing Body Presiding Officers from May 2009 through April 2010
- G. Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards
- H. Approve Cereal Malt Beverage [CMB] renewal for Hallbrook Country Club located at 11300 Overbrook Road
- I. Approve Change Order No. 4 in the amount of \$42,192.00 to Mega Industries pertaining to the Gezer Park Project located at 133rd and Mission Road [#76006] – **CONTINUED FROM THE APRIL 20, 2009 GOVERNING BODY MEETING**
- J. **Resolution No. 3199** authorizing grant application for 2009 FEMA Assistance to Firefighter's Grant funds
- K. **Resolution No. 3200** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$34,000.00 between the City and Delta Innovative Services, for the roof replacement on the Parks and Recreation Material Storage Building

- L. **Resolution No. 3201** approving and authorizing the Mayor to execute Addendum No. 1 to that certain Professional Engineering Service Agreement, dated February 16, 2009, between the City and Phelps Engineering, Inc., in the amount of \$13,820.00, pertaining to the 2010 Street Reconstruction Project
- M. **Resolution No. 3202** accepting a Permanent Drainage Easement from Deborah E. Feder and Andrew R. Osman of 3312 W 86<sup>th</sup> Street, for Lot 66, Leawood Lanes a subdivision in the City of Leawood Kansas, in connection to the 2009 Residential Street Reconstruction Program

Mayor Dunn requested to pull Item No. 7G for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 6-0. (Councilmembers Gill and Cain absent).

- G. Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards

Mayor Dunn expressed her appreciation to all committee, commission, advisory board and Council volunteers.

A motion to approve Item No. 7G was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 6-0. (Councilmembers Gill and Cain absent).

## 8. **MAYOR'S REPORT**

- A. Former City Clerk Martha Heizer passed away on Tuesday, April 28, 2009. Ms. Heizer was employed by the City of Leawood for 29 years. Mayor Dunn expressed sincere sympathies to her family.
- B. Attended the Arbor Day finale at Ironwoods Park, coordinated by Parks & Recreation Director Chris Claxton and Parks Superintendent Brian Anderson. Students from Blue Valley High School planted 200 trees for a reforestation project.
- C. Attended a ribbon cutting ceremony for Comfort Plus Shoes, who moved to a larger location in Camelot Court. Mayor Dunn thanked them for their reinvestment in the community.
- D. Attended a ribbon cutting ceremony with Councilmember Azeltine for Cruise Planners, located at 103<sup>rd</sup> and State Line Road. Mayor Dunn wished them much success.
- E. Addressed the Leawood Lions Club with City updates. They presented three college scholarships to outstanding high school youth that were in attendance with their families. Mayor Dunn noted that the Leawood Lions were sponsors for Troop 10 of the Boy Scouts, who recently had their 300<sup>th</sup> Eagle Scout awarded.

- F. Attended the Annual Council of Advisors meeting of the United Community Services [UCS] Board. The mission of UCS is to provide leadership for community based planning and mobilize resources to address human service needs in Johnson County, Kansas. Good information was given regarding the community profile surrounding population, income and human need indicators.
- G. Attended the Women's Foundation of Greater Kansas City's "Celebration of Women" event, honoring volunteer Alice Hawk. Mayor Dunn congratulated Ms. Hawk for being honored for the City of Leawood, as well as other organizations she serves.
- H. There will be a Food Drive, coordinated by Campbell's Soup Company and the National Association of Letter Carriers to "Stamp out Hunger." They are asking people for donations of non perishable food items to be left in a sack at their mailboxes for letter carriers to pick up on Saturday, May 9, 2009. There will be a postcard delivered to every household in Johnson County over the next few days with more information.
- I. Mayor Dunn expressed her appreciation to Sun Publications for the second edition of "Living in Leawood."
- J. Public Service Recognition Week has been celebrated since 1985, beginning the first Monday through Sunday in May. This year's theme is "Government Goes Green," and salutes government agencies who are promoting environmentally friendly efforts.

## **9. COUNCILMEMBERS' REPORT**

- A. Councilmember Bussing – Proposed change to roofing permit process

Councilmember Bussing stated he had received a request from the Royce Homes Association to amend the City's roofing permit process. They are having trouble with enforcement of their deed restrictions with regard to roofing materials and have requested the City implement the same "notice" program that has been initiated for major home expansion. He asked that the City, administratively, amend the roofing permit process to indicate the permit is approved 48 hours after application.

A motion was made by Councilmember Bussing for staff to amend the roofing permit ordinance that would include a provision to allow a 48 hour notification for homes associations that wish to participate; seconded by Councilmember Peppes.

Mayor Dunn confirmed with City Administrator Scott Lambers that 48 hours should be sufficient notice.

Mr. Lambers noted this would be communicated by e-mail exchange through the Community Development Department identifying the address and type of roofing material requested.

Mr. Bussing noted that the Royce Homes Association allowed composite roofs; however, not the "Timberline" brand.

The motion carried following a unanimous vote of 6-0. (Councilmembers Gill and Cain absent).

B. Councilmember Bussing – Location for a piece of City art.

Councilmember Bussing indicated the Arts Council was working with Edgewood in regard to the location of a piece of City art.

A motion was made by Councilmember Bussing to refer this to the Parks & Recreation Advisory Board for their consideration; seconded by Councilmember Rawlings.

Mr. Lambers clarified this would be a proposed dedication of land to become City park land for placement of the art. The Arts Council identified the site and the homes association wanted it to become the City's. Typically, the City would obtain an easement in order to access the site and maintain the art piece; however, not obtain the property. Mr. Bussing had requested that this go before the Parks & Recreation Board for consideration.

Mayor Dunn confirmed with Mr. Lambers this was not a time sensitive issue.

Councilmember Bussing felt this was an effective way for all of the issues surrounding this item to be gathered and documented for City Council consideration.

The motion carried following a unanimous vote of 6-0. (Councilmembers Gill and Cain absent).

**10. STAFF REPORT**

Mr. Lambers indicated legislation was refusing further cuts to education and were essentially at impasse; therefore, there would be no further work sessions regarding the budget until the Budget and Finance Committee meetings in June.

**11. PLANNING COMMISSION – None.**

**12. OLD BUSINESS – None.**

**13. OTHER BUSINESS – None.**

**14. NEW BUSINESS**

- A. **Resolution No. 3203** declaring it necessary to appropriate private property in accordance with K.S.A. § 26-501 for a parks and recreation or other public use of the City of Leawood, Kansas to be located at the northeast corner of 117<sup>th</sup> Street and Roe Avenue, Leawood, Johnson County, Kansas and repealing Resolution No. 3186

A motion to approve the resolution was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a vote of 5-1. Nay: Councilmember Rasmussen. (Councilmembers Gill and Cain absent).

There being no further business, the meeting was adjourned at 8:05 P.M.

**ADJOURN**

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Debra Mansfield, CMC, City Clerk

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Pam Gregory  
Recording Deputy City Clerk